

ZONING AND ADJUSTMENT BOARD

May 16, 2005

The Zoning and Adjustment Board of Sumter County, Florida convened on Monday, May 16, 2005 at 6:30 P.M. with the following Board members present: Larry Story, Chairman; Frank Topping, Dossie Singleton, Richard L. Cole Jr., Ron Berry, Dale Nichols, Frank Szczepanski, Todd Brown, and Rusty Mask. Board members Richard Bradley, James Sutton, and Evan Merritt were absent. Terry Neal, Zoning and Adjustment Board Attorney, Sandy Cassels, Board Secretary, and Roberta Rogers, Director of Planning and Development, were present. Kathy Ratliff, staff member, was also present.

The Board members led everyone in the pledge and prayer.

Mr. Story presented the proof of publication.

Mr. Nichols made a motion to approve the minutes from the May 2, 2005 meeting. Mr. Szczepanski seconded the motion and the motion carried.

C2005-0001

Florida Crushed Stone/Fred B Gregg, Jr., ETAL

A written request was submitted by the applicant requesting this application be tabled until the Zoning and Adjustment Board meeting on June 20, 2005 and the Board of Sumter County Commissioners meeting on June 28, 2005. Mr. Topping made the motion to table this application as requested. Mr. Cole seconded the motion and the motion carried.

R2005-0066

Jesse and Hazel Bennett

This was a rehearing due to an error in the legal description. The request was for a zoning change from RR5C to RR1C to bring the property into compliance with the Future Land Use Map. There were six notices sent. Of the notices sent, none were received in objection or in favor. There were no objections from the audience. Based on the information presented in the staff report, Mr. Topping made a motion to recommend to the Board of Sumter County Commissioners to approve the request. Mr. Nichols seconded the motion and the motion carried.

SS2005-0007

George Shotwell

Steve Richey, Attorney, and George Shotwell, Jr. representative for the applicant, were present. Mr. Richey explained the applicant wanted a land use change from agriculture to commercial on 9.99 acres MOL to operate a plumbing business from the property. There were five notices sent. Of the five notices sent, three were returned in objection and none in favor. There were no objections from the audience. Mrs. Rogers read the letters of objection into the record. Mr. Richey stated there would be an office on the property.

Fifteen to twenty vehicles would operate from the property. The ingress and egress would be from US Hwy 301. There would be a buffer and berm of fencing and landscaping. Mr. Topping addressed the issue of this being an incorrect area for commercial zoning. Mr. Richey explained the property fronts on US Hwy 301 and the CSX railroad. This parcel is in close proximity to the Villages and is where most of the business would be. Mr. Cole discussed the 2½-acre parcel the Board denied commercial zoning to in 2002 located in the same area. Mr. Szczepanski expressed concern because there is no commercial in this area on the Future Land Use Map and the amount of traffic from that area that uses CR 104 to avoid US Hwy 301 and C-466 where there are school zones. Mrs. Rogers explained the staff report is against the request because of the lack of commercial property in the vicinity of this property. Mr. Szczepanski questioned the idea of this being spot zoning and he is opposed to this. Everyone on the Board agreed this would be considered spot zoning. Based on the information as presented in the staff report, Mr. Nichols made the motion to recommend to the Board of Sumter County Commissioners to deny this request. Mr. Mask seconded and the motion carried.

R2005-0049

George Shotwell

Steve Richey, Attorney, and George Shotwell, Jr., representative for the applicant, were present. The request was for the rezoning of 9.99 acres MOL from A1 to CH. There were five notices sent. Of the five notices sent, three were returned in objection and none in favor. Mrs. Rogers read the letters of objection into the record. As the small-scale comprehensive plan amendment for this property was denied, Mr. Nichols made the motion to recommend denial of the rezoning application to the Board of Sumter County Commissioners. Mr. Brown seconded the motion and the motion carried.

R2005-0049

Lake Andrew Preserve

Steve Richey, Attorney and representative for the applicant, was present. The request was for a zoning change from A5 and RR5 to RPUD on 134 acres MOL. There were seventeen notices sent. Of the seventeen notices sent, there were no objections and one in favor. There were questions from members of the audience. Mr. Richey explained there will be thirty-five acres of commercial and seventy-six homes built. This will be a gated community. Ruth Rockcastle, Myra Paxton, Nora Zimmerman, and John Green questioned as to whether the land surrounding the community would stay agricultural on the Future Land Use Map. Mr. Richey explained the land around the community will stay agricultural on the Future Land Use Map, which allows a density of one residence per ten-acre tract. The different types of commercial activities were also discussed. Mr. Richey explained there would be convenience stores with gas sales, doctors, lawyers, bakeries, and department stores. The entire commercial development will be fronting C-466 and all commercial buildings will be internal. There will be no commercial buildings on the lake. The City of Wildwood will have a well site on the property. The City of Wildwood will provide water and sewer to the development. Mr. Brown wanted to know if the community would be site built homes or condos. Mr. Richey explained there

would be only site built homes in the community. Based on the information provided in the staff report, Mr. Topping made the motion to recommend to the Board of Sumter County Commissioners to approve the request. Mr. Nichols seconded the motion and the motion carried.

R2005-0050

John Kuhns

John Kuhns was present. The request was to rezone five acres MOL from RR5 and RR to RR1 for a lineal transfer. There were seven notices were sent. Of the seven notices sent, one was received in objection and none in favor. There were no objections from the audience. Mrs. Rogers read the objecting letter into the record. Mr. Topping asked Mr. Kuhns if he was transferring one acre and who he was transferring it to. Mr. Kuhns explained he was transferring two acres of land to his son. Based on the information provided in the staff report, Mr. Nichols made the motion to recommend to the Board of Sumter County Commissioners to approve the request. Mr. Cole seconded the motion and the motion carried.

R2005-0051

Larry and Leann Williams

Larry and Leann Williams were present. The request was to rezone one acre MOL from A5 and RR to RR1. There were six notices were sent. Of the six notices sent, two were received in favor and none in objection. There were no objections from the audience. Mr. Nichols questioned the applicants on their plans for the property. Mr. Williams explained the property is being sold and the new owner wants to place a singlewide mobile home on it. Based on the information provided in the staff report, Mr. Nichols made a motion to recommend to the Board of Sumter County Commissioners to approve this request. Mr. Brown seconded the motion and the motion carried.

S2005-0007

Rinker Materials, Inc.

Jan Norsoph, Engelhardt, Hammer & Associates, and Donald Berrs, Rinker Materials, were present. The request was for a Special Use Permit to allow for the manufacturing of concrete blocks. There were eight notices sent. Of the eight notices sent, one was returned in objection and none in favor. The letter of objection was signed by neighbors. Mrs. Rogers read the letter of objection into the record. Mr. Norsoph explained the need for concrete blocks due to the growth in the county. The Development Review Committee recommended access to the property is from C-48. Mr. Norsoph further explained Rinker Materials would make improvements to CR 745 to handle the increase in traffic. The proposed improvements will be located away from the neighboring residences. The improvements will consist of two block plants, curing rooms, a warehouse, and shop area. The curing rooms are airtight and fumes are not used to cure the blocks as it is all heat generated. Mrs. Rogers explained the difference between collector and arterial roads. A traffic study will need to be completed to determine if accel and/or decel lanes will be needed for C-48. Mr. Nichols stated he would not approve the request if the driveway was not located on C-48. The other Board members

were in agreement with Mr. Nichols. Richard Hart, a neighbor, was sworn in. Mr. Hart had questions regarding the buffers and the use of CR 745. Mr. Berris explained they planned on using trees as buffers and if CR 745 was used as the entrance, Rinker would have it widened and repaved. Mrs. Rogers asked about back-up alarms on the trucks at night. Mr. Berris explained they are exploring different avenues with the back-up beepers and light spillage. As soon as the Occupational Safety and Health Agency (OSHA) approves a beeper that would work for the nights, Rinker would start using this. Based on the information provided in the staff report, Mr. Topping made the motion to recommend to the Board of Sumter County Commissioner to approve the special use with the conditions the ingress and egress be located on C-48 and OSHA approved night time back-up beepers are used. Mr. Brown asked when the conditions would need to be in place. Mrs. Neal explained this would have to be done when the batch plant opens. Mr. Topping amended his motion to state the conditions will need to be met before the batch plant receives a Certificate of Occupancy. Mr. Nichols seconded the motion and the motion carried.

T2005-0020

Ann Lynch

Ann Lynch was present. The request was for the renewal of a three-year temporary use permit for a caregiver's residence. There were nine notices sent. Of the nine notices sent, two were returned in objection and one in favor. There were no objections from the audience. Mrs. Rogers read the objecting letters into the record. Mr. Nichols questioned Mrs. Lynch about the need for constant care. Mrs. Lynch said either her daughter or granddaughter is with her at all times. Mr. Story questioned her about the rooms added to her residence. Mrs. Lynch said they were needed improvements. Based on the information provided in the staff report, Mr. Nichols made the motion to approve the request. Mr. Topping seconded the motion and the motion carried.

T2005-0021

George and Joyce Williams

Joyce Williams was present. The request was for the renewal of a three-year temporary use permit for a caregiver's residence. There were four notices sent. Of the four notices sent, none were received in objection or in favor. There were no objections from the audience. Based on the information provided in the staff report, Mr. Nichols made a motion to approve the request. Mr. Szczepanski seconded the motion and the motion carried.

T2005-0022

Charles and Myra Paxton

Myra Paxton was present. The request was for the renewal of a three-year temporary use permit for a care receiver's residence. There were five notices sent. Of the five notices sent, two were received in favor and none in objection. There were no objections from the audience. Based on information provided in the staff report, Mr. Nichols made a motion to approve the request. Mr. Szczepanski seconded the motion and the motion carried.

The Ordinance for Section 13-666 Lighting was briefly discussed. Questions were raised regarding section (b) (2) and (b) (5) about who will pay for this. We currently have no mandatory lighting ordinances. The Board would like Mrs. Rogers to look into the ordinance further and make changes before the Board acts on this. The Ordinance for Section 13-668 Dumpster Pad and Enclosure Standards and The Final Draft for the Class 1 Landfill were tabled.

Mr. Nichols moved to adjourn. Mr. Berry seconded the motion and the motion carried. The meeting adjourned at 8:30 P.M.

Larry Story, Chairman
Zoning & Adjustment Board